

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

SANDRA YOUNG, and ERIC K. SOUZA,)
P.P.A., By His Mother and Next Best Friend,)
Plaintiffs,)
v.) CIVIL ACTION NO. 04-11126MLW
SIX FLAGS, INC. and INTAMIN AG,)
Defendants)
)

THIRD-PARTY COMPLAINT

PRELIMINARY STATEMENT

1. This is a third-party action for contribution and indemnity brought by the defendants/third-party plaintiff, Six Flags, Inc. against the third-party defendant, Intamin Limited, Inc./Intamin LTD. Intaride, LLC.("Intamin LTD").

PARTIES

2. The defendant/third-party plaintiff, Six Flags Inc. is alleged in the plaintiffs' complaint to be a corporation licensed in the state of Oklahoma with its main office maintained in Oklahoma City, Oklahoma and its principal place of business at 11501 Northeast Expressway, Oklahoma City, Oklahoma.

3. On information and belief, the third-party defendant, Intamin Limited, Inc./Intamin LTD., Intaride, LLC,(hereinafter referred as Intamin LTD) is a duly organized Maryland legal entity with a principle place of business at 520 McCormick Drive, Suite J, Glen Burnie, Maryland.

FACTUAL BACKGROUND

4. The plaintiff has filed an action against Six Flags, Inc. alleging that she sustained personal injuries while she was riding on various amusement rides on or about August 6, 2001. A copy of the plaintiffs' complaint is attached as Exhibit A.

5. Upon information and belief, the ride that the plaintiff was allegedly injured on was the "Superman Ride of Steel," which was designed, manufactured, sold, distributed, installed, and/or maintained by Intamin LTD.

COUNT I
(Contribution)

6. Six Flags, Inc. realleges and incorporates herein paragraphs 1 through 5 of the third-party complaint.

7. Six Flags, Inc. denies that it was negligent and further denies that it is liable in any way to the plaintiff; however, if Six Flags, Inc. is deemed or adjudged liable to the plaintiffs, then Intamin LTD is jointly liable and Six Flags, Inc. is entitled to contribution from Intamin LTD.

WHEREFORE, Six Flags, Inc. demands contribution from Intamin LTD and further demands that it be awarded attorney's fees, interest and costs.

COUNT II
(Indemnity)

8. Six Flags, Inc. realleges and incorporates herein paragraphs 1 through 7 of the third-party complaint.

9. Six Flags, Inc. denies that it was negligent and further denies that it is liable in any way to the plaintiffs; however, if Six Flags, Inc. is deemed or adjudged liable to the plaintiffs, then Six Flags, Inc. is entitled to indemnification from Intamin LTD because Intamin

LTD expressly and/or impliedly agreed to indemnify Six Flags, Inc. under the circumstances presented here, and/or because their liability will have resulted from the wrongful acts and/or negligence of Intamin LTD and not from any wrongful acts and/or negligence of Six Flags, Inc..

WHEREFORE, Six Flags, Inc. demands indemnity from Intamin LTD for all amounts recovered by the plaintiffs and further demands that it be awarded attorney's fees, interest and costs.

PRAYER FOR RELIEF

WHEREFORE, Six Flags, Inc. prays that this Court:

- (a) enter judgment for Six Flags, Inc. on all claims asserted against it by the plaintiffs;
- (b) if Six Flags, Inc. is deemed or adjudged liable to the plaintiffs, enter judgment in favor of Six Flags, Inc. on its third-party claims against Intamin LTD;
- (c) award Six Flags, Inc. its costs and attorneys' fees; and
- (d) grant Six Flags, Inc. such additional relief as it may be able to demonstrate it is entitled to.

JURY DEMAND

Six Flags, Inc. demands a trial by jury.

Respectfully submitted,
SIX FLAGS, INC.,
By its attorneys,

MORRISON MAHONEY LLP

/s/ Allain P. Collins

John P. Graceffa, BBO #205920
Allain P. Collins, BBO #659492
250 Summer Street
Boston, MA 02210
(617) 737-8840

CERTIFICATE OF SERVICE

I, Allain P. Collins, hereby certify that a true and accurate copy of the foregoing document was served via first class mail, postage prepaid, upon the attorney of record for each party on November 1, 2004.

/s/ Allain P. Collins

Allain P. Collins